

Remarks

Claims 1-8, 10-18, 20-23, and 25-27 are pending. Claims 1-8, 10-18, 20-23, and 25-27 stand rejected. Independent claims 1, 12, and 22 are amended herein. Dependent claims 3-4 and 14-15 are cancelled.

Claims 1-8, 10-18, 20-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent 6,718,551 (Swix et al.) in view of NDS: NDS' XTV(TM) time shifting technology empowers the viewer and the broadcaster", M2 Presswire, Sept. 10, 1999, (hereinafter the XTV reference), and further in view of U.S. Patent 6,588,015 (Eyer et al.). Inasmuch as the rejection applies to the claims as amended, applicant respectfully traverses the rejection and requests allowance of claims 1-2, 5-8, 10-13, 16-18, 20-23, and 25-27.

Claims 1, 12, and 22, as amended, require transferring the selected video content to the target viewer over a first transport system and transferring the selected video advertising to the target viewer over a second transport system, wherein the first transport system uses greater bandwidth for video transfer than the second transport system.

**Because the dependent claims were previously searched, the amendment does not necessitate a new search and does not place an undue burden on the Examiner.** The amendment is fully supported in the disclosure at page 5, line 23 to page 6, line 18.

Neither the XTV nor Eyer references disclose first and second transport systems.

Swix does not disclose a second transport system for providing advertisements to a target viewer. Swix only discloses a single transport system, wherein a second channel can be used to transport advertisements (see col. 12, lines 63-66). It should be noted that the broadcast server 105 of Swix (see FIG. 1) operates **both** channels.

Independent claims 1, 12, and 22 therefore include features that are neither taught nor suggested by Swix, the XTV reference, or Eyer, alone or in combination. Claims 2, 5-8, 10-11, 13, 16-18, 20-21, 23, and 25-27 depend from claims 1, 12, and 22, and are patentable for at least the reasons given above.

Applicants submit that there are numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted

in the interests of brevity. Applicants respectfully request allowance of claims 1-2, 5-8, 10-13, 16-18, 20-23, and 25-27.

Please feel free to call me to discuss the patentability of the pending claims.

Date:

1/5/06  
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